

## **Closed Caption Log, Council Work Session, 03/20/12**

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good morning.

I'm austin mayor lee leffingwell.

A quorum is present so I'll call this city council work session to order onrch 20, 2012 at 9:08 a.m.

We're meeting in the boards and commissions room, austin city hall, 301 west 2nd street, austin, texas.

First I want to ask council if there are any items they want to discuss on the agend on thursday's agenda, that require staff to be present.

Anything?

>> I'm sorry, the question was -- are there any items on thursday's agenda that would require staff to be here for that discussion?

>> Mayor?

>> Mayor leffingwell: laura?

I would like to have a chance to discuss item no. 56.

Staff has provided a lot of information and I think it would be nice to be able to hash through a little bit of it during the work session.

>> Mayor leffingwell: okay.

I assume every -- what particular staff would that require, do you think?

that would require our cfo and -- and/or related folks.

and/or related.

Okay.

I have quick questions about 26 and 27 and also a few questions about 55 for star, and then a few questions about 66.

A couple for the sponsors and possibly it would be useful to have transportation weigh in on that.  
So if it's difficult for them to stay we can touch base between now and thursday.

>> Mayor leffingwell: okay.

[09:08:00]

So we have 56, 26, 27, 55 and 56.

>> Mayor?

council member riley?

12 is the 2nd street project, in particular the extension of the 2nd street project east of congress.

I was thinking it would be helpful to get a presentation on that on thursday, since it is about to get under construction, there's been a lot of interest in it lately, especially with a new hotel being built right at congress and 2nd.

So if it's still okay to get that presentation thursday, I think that would be a better time for it than today.

>> Mayor leffingwell: okay.

But not today, correct?

>> Riley: right.

If that's okay with you all.

>> Mayor leffingwell: yeah.

>> Cole: mayor?

mayor pro tem cole.

I'm going to have some questions about item 65, the transfer to the budget -- from the budget stabilization reserve fund to the health and human service department to southwest keys.

okay, no. 65 also.

Council member tovo, did you have another?

yeah, I have a question about 58 but i think it's really one for us rather than staff, but i think we've already -- I've got some other questions for transportation.

I'll put 58 down then.

58 Also.

>> Mayor, we had directed our staff to monitor closely the work session agenda and to be present and available for any preselected items, and, in fact, there were none preselected.

We will do our best to try to have staff here.

Yesterday we did find out about item 12 but we understand now it's a presentation thursday.

For the other items identified this morning we do not have staff present, and we will, again, attempt

[09:10:00]

to find out if there was any conflicts, but again, monitoring the preselected items on the agenda and since there were none there is no staff here.

>> And mayor, I'd just like to say that 26 and 27, we have outside counsel.

I asked the deputy city attorney to see if they could call them to see if they could be available for thursday to talk about the status of that case.

So they're not here today.

>> Mayor leffingwell: okay.

Council member tovo, is that -- that's fine, and it really may be something that you and I can talk about between now and thursday too.

I just don't have a sense of what those cases are and there's no backup information that talks about the cases.

okay, so those are the items that we anticipate discussing.

Council member morrison?

I would like to 89, which is the apple economic incentive, but really, that's more of a -- I have more of an interest in just talking with the -- my colleagues on council to let them know, you know, the things I'm hearing and get thoughts on what's going on, so I don't think staff needs that.

And on 26 and 27, city attorneys, thank you.

I had asked that we have an opportunity on thursday to look into that.

>> Mayor leffingwell: okay.

>> Riley: mayor?

council member riley.

I notice on 58 and 59 relating to taxicabs, there's some additional language this time on the posting that relates to the annual calculation of necessary franchise permits, also known as the formula.

And so I just wanted to ask about that language and what anybody might have had in mind and whether anyone does want to have a discussion about the formula for --

>> mayor leffingwell: okay.

Nothing for staff, though?

unless it was staff -- there may or may not be staff available for any of these items since they weren't prelisted.

that was the reason I pulled it, actually, because of that language.

I wanted to ask mayor pro tem, whose suggestion it was, what she had in mind and how that might impact

[09:12:00]

the decision.

>> Riley: okay.

we're contemplating for thursday.

all right.

With that we'll go directly to the first item, which is item d1, which is a council discussion regarding the 2012 charter revision committee recommendations.

>> Good morning, council, sabina romero, city legal department.

I'm going to walk you through a very brief powerpoint this morning and then allow you all to discuss the information presented and staff welcomes your direction.

I provided a handout on your desk.

Looks like this, four pages, two columns.

And before I begin I'm just going to walk you through this document so you know what it means so you can use it as a reference while we go through these brief slides.

This handout compares the resolutions that council passed last year with proposed possible charter amendment ideas to the recommendations made by your charter revision committee this year.

So in your left column, broken up by bright yellow bar -- in the left column are the individual items from each resolution.

The first resolution was actually from 2010.

It was a June 24, 2010 resolution that just addressed the city attorney position and how that position is filled.

And then the second bright bar shows that you're transitioning into the resolution 2011, 042848, which was an April 28 resolution, and that resolution was formatted into an a section and a b section.

So you see in the line immediately employ that that the a section of that resolution, this body addressed election issues, and then had eight items.

[09:14:01]

A1 through a8 down the left column.

If you turn the page you see at the top of page 2, that resolution continued in a b section, which was governance, with 1 through 6.

Then the next bright bar shows you that you're moving into the final resolution.

You all passed a resolution in June of that year, and it was also broken up into an a and a b section, a1 addressed more election items, b addressed more governance items.

And that is all the content that is in the left column of this handout.

Now, you will see in the right column of this handout are the numbered recommendations from the charter revision committee's final report, which you all received in February and had a presentation on last month.

The charter revision committee numbered their recommendations 1 through 19, so to make it easy for you to find their recommendations in the report, I've put their recommendation in the right column across from the corresponding initial council item, and I numbered it to correspond with the report, so that if you want to cross-reference in the report you can find that more easily.

This chart is a huge oversimplification of very sophisticated issues, so by all means please do look to that report for more detail into your resolutions.

This is just a way for you to be able to visually see of the ideas you proposed, which ones did the charter revision committee address.

And that brings us to the very last page, which is page 3, which is a set of charter revision recommendations, charter revision committee recommendations that were not in those initial resolutions, and that set of recommendations has a green banner, non-resolution-based.

Now, you did request a memo from the ethics review commission and that was addressed by the charter revision committee, but they

[09:16:00]

weren't council suggestions per se.

And you'll see that some of the charter revision committee recommendations have a star, and that's to let you know that those are recommendations that are currently addressed in our charter.

So if you wanted to move forward with them, they would be charter revision item.

Items that do not have a star you could put in the charter as the charter revision committee would like you to do, or you could do them by ordinance because legally they are topics that are not the jurisdiction of our charter, they are not currently in our charter.

So with that I'm going to move us through the powerpoint and then open the floor back to you.

Your 2012 charter revision committee considered three resolutions as their starting point.

As you know, they started meeting in the fall and they submitted their final report to you on february 22.

They did a formal presentation earlier this month, on march 8, and that report had 19 recommendations.

It had eight campaign finance items, four personnel recommendations, four council administration items, one planning commission item, one initiative and referendum item and then a bond election item.

Now, going forward the council has the task of deciding which items staff will start working on for purposes of preparing november 2012 charter amendment election ballot items for your consideration.

And just to give you a sense of how these recommendations fall into two categories as you decide how to address each of them, these are the recommendation subjects that are currently in the charter.

So if you wanted staff to work on these, we would work on these as charter amendments.

That includes council structure, the concept of switching council seats regarding term limits,

[09:18:00]

changing the election months, the number of signatures for initiative and referendum, the four personnel items, fundraising after elections, increasing officeholder accounts.

The planning commission ex officio item and the revenue items.

These recommendations are not currently in the charter.

They could be done by ordinance.

As you know the charter revision committee has asked that all these items be done by charter for purposes of making them more difficult to change or safer, depending on how you want to look at it.

Those are the independent redistricting commission.

The reporting contributions in the last nine days before the election, the disclosure of independent expenditures, campaign finance database, bundler information, lobbyist bond link limits and the ethics review commissions role.

Their recommendations did not address a handful of items that were in the resolution thans and I want to list them for you so if you want to go back to them they're not overlooked.

They included increasing contribution limits.

Although I should point out that the charter revision commission committee did discuss that item, but they took no action because contribution limits are already -- already increase with inflation so they felt that was a way of addressing it.

So it's not that they didn't talk about it, it's that they felt there's a mechanism built in that increases them.

Conforming council vacancy language to state law.

Restating that runoff contributions may only be collected after general election day and as a side note the charter revision committee took no action on this item only because they feel that this is already the state of the law, not that they didn't think it was an important matter.

Establishing petition deadlines, conforming election document retention schedules to the state schedule, revising charter language regarding council meeting frequently and location and revising

[09:20:00]

ordinance templates to include effective date.

And during the course of the charter revision committee's meetings staff also brought forward one more item for them to consider and that was the idea of revising our charter so that our limited purpose annexation notice conforms with the standards that are currently in state law, and the charter revision committee didn't take a position on this item.

They simply felt they were too pressed for time, so they wanted that item to be brought forward at this point so that the body could decide whether or not to add that to the consideration.

did we get a list of -- could we get a list of these at some point?

>> Absolutely.

So here going forward are the council options and considerations for your discussion today, as a extorting point.

Council can identify and prioritize the items for staff to prepare.

Council has a number of different options of ways to implement -- options for the sources to choose from.

You have your resolutions, some of which were addressed and some of which were not.

The recommendations from the charter revision committee, any new items that you might want to bring forward or some variation or combination of the above.

And then let staff know what type of a source document you would like us to put that item into for purposes of effecting that change.

Do you want us to do it by ordinance for the items that are dornd eligible or -- ordinance eligible or do you want us to prepare them as charter amendment items?

And then the last consideration is to let staff know when you would like these items to become effective.

Now, council has already given us some guidance on effective date.

For example, the resolution -- the first resolution that this body passed in 2011 specifically mentions that the election items would ideally be effective 180 days prior to a november 2013 election.

So one of the items for the body to consider is, is

[09:22:02]

november 2013 still our target-effective date or would it be earlier, later, et cetera.

And just to give you a sense of the timeline for this discussion, here we are the week of march 20 with this presentation, and there are nine more council meeting weeks between today and the legal deadline to call the november election.

Now, each of those council weeks, of course, has two meetings, but just to give you a sense of how to fit the discussion into the existing calendar, you'll notice that the very last line for august 14-16 says no action, and it is staff's recommendation but certainly not a legal requirement that all of the decisions about what's on the november ballot be determined by the next-to-last meeting date so that there are no frantic efforts on the 16th to fix something.

If we are done on the 2nd and something comes up, we have some flexibility and room to fix that, but if something comes up on the 2nd, then we'll be calling special called meetings -- comes up on the 16th, I'm sorry.

So it's just a recommendation for sort of work flow management, but it is an option for you for action.

And with that staff welcomes questions or discussion.

any questions?

Council member morrison.

one of the challenges, assuming that voters were to approve a change to districting for council would be the transition itself, and the timing of the transition, and I wonder if you could talk through the different steps that we would have to

[09:24:00]

go through, let's say that it's approved, something -- some version of it is approved in november of '12, what would the steps be that we have to go through to actually have that on the ballot for a choice -- have the council districts and the individual candidates on the ballot by, say, november 1, which is sort of an ideal target date that we set.

>> As a preliminary matter the charter has some transition language already built into it.

It says that if the structure of council changes, that council members will hold over as the new system is implemented.

But if you all would like to be more specific, the most important sort of threshold issue is the structure that you choose.

If you decide that there will be 20 seats and you want them all to change at the same time, then some of you would cut short.

If you wanted them to stagger on, then some of you could -- it's very much a decision for you all to make.

Play out your term and your positions be filled as terms expire.

So a preliminary question is, what structure would you like to change to and then whether you would like people to phase out or if you would like everyone to be on the ballot together.

and what about timing in terms of the steps we would have to go through between november 12 - - november of 2012 and, say, may of 2013, if, in fact, we were shooting for an election in november of '13?

>> Well, there is the pre-clearance consideration, and for us that means that the -- the state of texas is subject to federal review of changes to our election practices, so if in november there is a ballot item that changes council structure and specifies a particular transition that involves some people being on the ballot in november 2013,

[09:26:01]

once the structure change passes in november 2012, we would allow the department of justice to review that change and let us know whether or not it passes muster under the voting rights act.

Now, our practice here at the city of austin is to have a 180-day campaign window preceding an election, so we would be looking at a preclearance process between november of 2012 and six months later, which would effectively be the beginning of the campaign period for a november 2013 ballot item -- I'm sorry, council election.

But there are so many variables that would affect that simple response.

If the body decides to choose an independent districting commission, for example, and that process needs to play itself out choosing participants, their process, their design of a map and approval of that map, that may -- that intensely shortens the cycle of all the activities between november 12 and november '13, they would have to debate those and when to implement them in the first round of election, should you choose a new structure and a different stagger.

so it's my understanding if we choose the independent ri districting -- redistricting commission -- if the voters choose that, that that -- assuming it passes, in and of itself would also have to be precleared and go through the process?

>> C.

so what are our options?

Is it feasible to expect that we could get through all of that between november of '12 and may of '13 to start a council campaign?

>> Between november of 2012 and may of 2013?

right, so that

[09:28:00]

we could -- so that we could then have six months for the council election campaigns.

>> Between november 2012 and may '13 a review process for a november 2013, that is a very, very tight schedule.

The concept of preclearance and choosing the independent districting commission, if you guys chose some approach that took into consideration the doj's preclearance schedule, no one can guarantee when they will preclear an item, so I'm sure this body will consider alternatives, an ideal scenario, and we as your staff are aware that the preclearance process, we can't go forward with anything we'd like to do you until that happens.

So since that's an uncertain aspect of the timeline, the answer to your question is uncertain.

so we would have to look at what our PLAN Bs WOULD BE IF THE Ideal schedule didn't come through --

>> exactly.

has there been any discussion of what those alternatives might be for us to look at in?

>> That would be your discussion.

It's really how you as a body would like to transition, what are your priorities?

Is it more important -- is the next election date a stronger priority for you than how long the independent districting commission meets?

It's very much dependent on the discussion that you as a body have and sort of your prioritizing of the options.

>> Morrison: okay.

I guess and one last question.

Would we have -- would we be able to build in some flexibility to shorten the campaign season in case we couldn't get through the full preclearance process in six months, so that the election cycle would start, say, three months instead of six months ahead of time?

>> That's a good question.

[09:30:00]

We'd have to look at that a little closer since that is an aspect of our election process that's in the charter.

it's all very complicated.

it is complicated.

Well, one consideration is that the six months out time frame, that deadline, if i can call it a deadline, is just to file a treasurer's report.

You don't have to be specific -- as to which seat you might be filing for, and the actual time that you have to file for the election would be three months out, currently that's what it is.

>> The mayor is correct.

The window that I'm referring to is when the fundraising window opens, and because it's the window that opens first for us, it's my point of reference for purposes of assuming that everyone would want an equal opportunity to fundraise.

The mayor is correct.

The deadline for a place on the ballot is much later.

>> Mayor leffingwell: okay.

Council member martinez.

>> Martinez: thanks, mayor.

So, sabina, I wanted to ask a little bit more about the preclearance process and what that looks like, if it's a standard submittal and we wait for a response, or is there public hearings or public input sessions that would happen?

And if so, what's the timeline and how long -- can that be drawn out causing further time and consideration of this action -- or this item before, you know, this council takes action on it?

>> With me is sid faulk.

We've hired his firm bickerstaff heath to assist with the clearance process.

So I'll let him answer.

>> Good morning.

Well, you hit the complicated meat of the process, I think.

Let me start by reminding you that doj gets 60 days to review and preclear or file an objection to any election

[09:32:02]

change.

They have the ability, in addition, under the guise of asking for additional information, either because you didn't give them something fundamental in the application, which we call a submission, or because they've discovered at the 11th hour they need more time.

They have the possibility of getting 60 more days.

If you have prepared a really, really thorough submission, you generally can head that off, so I will assume for the sake of discussion that although the second 60 days is a possible risk, that we're really talking about 60 days for a review process.

It, of course, does take some time to prepare the submission itself.

A lot of documents are involved, a lot of discussion, and depending how complicated the particular thing that you're trying to get precleared, that discussion can take a while to put together, so there's some delay time there as well.

So typically a week or two or three.

In the case of a conversion to -- from an at-large system to a single member system, we've touched before on some of the issues.

I think that will be a fairly complicated discussion to prepare, and so I'm not looking for that to be put together in just a couple of weeks.

So if you have gotten the special election itself precleared and you have the election in november of 2012 and one or more items pass, those items then individually need to be precleared, and let's

assume that there's a couple weeks or more of preparation for those items from the time of submission.

You count 60 days out.

Let's assume that we can get the submission in before the end of 2012, and so we're looking at 60 days, the first couple of months, for example, of 2013, and let's

[09:34:00]

suppose there's independent redistricting commission as well as a single member structure has passed in the charter amendments so those are the things that are getting precleared.

Once they're precleared you can begin to implement them.

So we're probably looking, ballpark, as an independent redistricting commission beginning its work in perhaps march.

If, as the charter revision committee's suggestion suggested approach is adopted, there is an elaborate appointment and selection process.

You can assume that any charter revision -- sorry, any independent redistricting commission approach, whether it's one as the charter commission has suggested actually produces the final product or something that is different, along the lines of what the city of dallas does, which is to have a commission that makes, in essence, a suggestion to council, which council has the ability to amend -- that process is going to include public hearings.

That's certainly something that the redistricting committee suggested.

So you have to factor in all of that process as well, and I can't imagine, frankly, that that gets done in two months.

>> I want to go back a little bit, sid.

So specifically when doj is preclearing, can any individual or any individual group request for that additional 60 days?

>> No, that's a doj function.

That's not part of the administrative process other than for their convenience.

so what is the process -- or what is -- what is available to anyone who objects to what we've submitted to doj for preclearance?

>> They can speak directly to doj and often do.

It is typically a set of objections or responses by

[09:36:02]

members of the community that's affected, that we're not necessarily going to know anything about.

Doj keeps those comments confidential, and even after preclearance has occurred doesn't tell you about them.

Sometimes you can infer the gist of what the concern is by the kinds of discussions you may have with doj or the kinds of questions they may ask as sort of informal follow-up, but anybody who is interested and affected has the ability to talk directly to doj about your submission.

Following the preclearance of the substance of the charter change itself, or any other change that you make, including ones you make by ordinance, that affect voting, the work of an independent redistricting commission is to produce a plan, and whether the commission has the final word on that plan or they make a recommendation and council has the final word on that plan, once a final plan is adopted it too must be precleared.

So there's a second preclearance process built in here with the preparation time and the 60 days and perhaps an additional 60 days, so we're talking about at least four months of preclearance time alone, some significant amount of time to put two preclearance submissions together.

Even if you're very, very optimistic, let's add a month just for the sake of discussion.

It may be quite a bit longer than that.

Already you have eaten five months out of the six months between november and your may target to get to a 180 day fundraising commencement.

Very, very tight schedule, if you chose to go that way.

And the victim, if you will,

[09:38:01]

of that schedule is going to be the redistricting process itself.

So if you are concerned that the -- either the council process or an independent commission process or a hybrid of those two is going to produce a plan and get a lot of community involvement, I think you are immediately struck with a picture that says you're really not likely to make a may target date.

The mayor is correct, candidate sign-up is three months later, but with as much process as all of those pieces have, I'm personally a little skeptical that you would make that three-month target deadline.

Let me also comment that i think it's correct to say that none of you are up for election in 2013, so it need not be an election year for council seats.

So you do have the potential for some additional time to get all of that process done with deliberation rather than with a rush, and i think especially for -- on the assumption that single-member districts pass, for the first districting plan, I think the community is going to expect a lot of discussion and I think you will too.

So the timing, in my mind, there is some flexibility, but it really is whether you're going to have a very, very abbreviated process or a much longer, more deliberate one.

>> Martinez: thanks, sid.

And council members, the reason I bring that up is obviously, I think that was well put, even on the most, I guess, aggressive timelines, it looks like november of 2014, honestly.

That's really what we're talking about, because if -- and honestly -- obviously that's the discussion citizens vote to move to

[09:40:01]

november, if not 2014 remains an option.

But I foresee it being drawn out.

This is the practical reality.

The political reality is once you draw districts, if neighborhoods are split, if, you know, zip codes are split in terms of districts, I see that public discussion just really going on for a lengthy amount of time, because I think folks are going to -- there's a lot of folks that are in favor of one plan or the other right now, but as soon as those lines are drawn I really predict that all bets are off at that point because, you know, grandma's house isn't in my district and my son's or daughter's school is not in my district, and those kinds of conversations go on and I think it's going to get very lengthy.

So I appreciate the thorough response and again I just reemphasize it looks like it could be as far as november of 2014 if not may before we have our first election within this change, assuming citizens adopt the change.

>> Mayor?

Couldn't we just emulate the county, state and federal process and enter into utter chaos for a few months?

[Laughter] council member Spelman.

Thank you, Mayor.

I notice that you don't have a star next to the independent redistricting commission, suggesting since this is not addressed in our current charter, that this is something we could adopt by ordinance.

I wonder if there was some way we could speed up the process, including a preclearance process, by adopting this by ordinance in a Dallas-like way, since we would not have authority to go to a ten one or some other districting system without the change in the charter, is there a way we could adopt by ordinance and a districting commission for advisory purposes only by ordinance to get them started earlier to get this preclearance process started earlier so we wouldn't actually have to wait until November to get going with that?

[09:42:01]

>> It sounds deceptively simple, that question.

There is a principle in section 5 of the Voting Rights Act, which is the section that requires preclearance, that says, in thou shalt not implement a change without preclearance.

So the question becomes, is that implementation or not?

I think certainly you could put an advisory committee together and have them do that work as long as you are not actually implementing the change prior to preclearance.

Are you envisioning such an advisory body before the charter amendment results?

>> Spelman: why not?

>> Because you don't know what the charter amendment results are going to be.

>> Spelman: sure.

And so anybody on that commission would have to understand that there is a possibility that the citizens would say, thank you for doing all this great work that you've been doing, but we've decided we don't want to go to a districting system at all, and therefore the work you've done is not going to be something we can use.

On the other hand, since we could frame the ordinance in an advisory way, as in Dallas and not in a dispositive way as I think a lot of people have been talking about it, as long as they understand that their lines may not be something we can use, we're playing fair with everybody, if it's also

necessary to preclear the commission itself, then we might be able to preclear the idea of the commission beginning more or less immediately.

I understand we wouldn't have the authority to [inaudible] anyway.

an advisory --

>> spelman: advisory, yeah.

>> I would have to think about that and it's going to be a structure dependent answer whether it requires preclearance.

If you are actually

[09:44:00]

delegating responsibility, my guess is that would likely require preclearance.

If it is strictly advisory and the ultim decision lies with council, probably not a preclearable event.

Let me also point out, i spoke somewhat offhandedly about the dallas system.

The dallas districting committee -- commission has authority to produce a plan, and if council does not act to amend that plan within 45 days of its submission to them, that plan, in fact, becomes the districting plan that's adopted.

So they have actual authority, even though council has the ability to make changes, and that kind of a structure would require preclearance.

>> Spelman: okay.

Did the dallas structure then -- it did require preclearance?

>> As far as I am aware they did, yes.

but if we chose to go with a districting commission by ordinance that was only advisory and then finalize would be set by the council, that would probably not require preclearance, we could get started on that right away so we would have lines available for preclearance once we had the authority to go to a districting system earlier than you were talking about earlier?

>> I think that is correct.

I would want to think really hard about it before giving you an absolutely firm answer, and of course the caveat that the best laid plans of mice and men, you don't know what the structure -- the charter amendment approvals are actually going to be, but subject to that caveat, yes.

I wasn't expecting a dispositive answer.

I just wanted to put the bug in your ear to think about it.

would one possible scenario be to have the first district alignment drawn by council based on advice from a

[09:46:00]

citizens advisory commission that could be maybe done by resolution?

And, you know, that could be convened fairly quickly, and then in subsequent years use a citizens commission to determine district lines?

>> I think the short answer is something that a bin a -- sabina alluded to and didn't elaborate on, which is there is a tremendous amount of flexibility in terms of how the charter amendments are drafted and how council operates or retains authority.

In short, you can do it almost any number of ways, and that's part of the discussion, I suppose, is the structure that ultimately seems practical to you and advisable.

So the short answer, mayor, is yes, I can see a structure where you have an advisory commission and you have something prepared on sort of an in case the right charter amendment passes kind of a basis, which could speed things up.

You could have structures where the transition from an at-large system, be again, assuming that single members pass a charter amendment, that first transition is going to be the hardest one because it takes all of you, or all of your positions, which are at large, and assigns them to single-member districts in some fashion.

None of the proposals that are being seriously discussed, the ones that were proposed and discussed by the charter revision committee, were for this number of council members.

So in addition there will be vacancies, assuming that a 21 plan were to pass.

So there are all kinds of transition elements that have to be planned for and the first transition will be

[09:48:00]

much harder than a subsequent redistricting that would occur in 2020.

Presumably then whatever council structure has been moved to will be in place, and the questions there will be things like after the new redistricting does everybody have to run anew or do you maintain staggered terms and replace people as their terms come up?

Those are also questions of transition that I think you need to think about now.

So there are layers and layers of complication, and there are many, many ways that you can deal with each of those questions.

That was a roundabout way of asking your question.

so my recognition is there was something filed in the state legislature last term, which called for at least six districts, I believe it said six or more districts, i believe, also contemplate and maybe required -- I'm not sure of this -- that it be implemented within 365 days.

So is there a possibility that that could come up that there could be some sort of mandate to implement the changes within a year, or in a year?

>> Mayor, just to -- mayor, just to restate your question, are you asking if a charter amendment item could mandate a particular effective date?

no, I'm asking if legislative action could mandate a particular date.

>> State law.

as it did -- as was proposed in the last session.

>> Mayor, I think that, of course, the legislature could pass something like that, but as we've talked about at the end of the day, preclearance process is still going to be required to be complied with.

So there could be a bill that said, you know, implement districts within 365 days, were you based upon -- but based upon

[09:50:00]

preclearance and all the other processes that we may have to go through, we may not be able to meet that deadline.

But I do think they could pass something that said that.

But as sid and sabina have laid out, the thriepts timelines don't -- as you've watched the state court go through the process, sometimes the timelines don't comply with what the legislation mandates.

>> Let me ask a clarifying question.

I assume that you're talking about senate bi 100, which we discussed numerous times at length, which gave, among other things, governing boards from a number of bodies, city council -- I'm talking about a bill that never passed.

>> Okay.

i don't know what the number of it was.

And just contemplating the possibility that something like that could come up again.

>> I think the wording, if we're thinking of the same bill -- the wording in that bill was similar in terms of its implementation timing, to the wording that was in sb 100, which is that a decision had to be made to implement, in other words, a formal action, but I'm not sure the actual final carrying out of everything had to be done within that time period, but I may be wrong.

i guess where I was going with this was to the point where disagreeing with my colleague council member martinez, that it might be wise to go ahead and plan for the november 2013 transition date and try to implement it if possible, and if stumbling blocks came up you'd have to make changes down the road.

Mayor pro tem?

I want to follow up on that line of questioning and try to figure out if there's a way to do a hybrid of what council member spelman and mayor leffingwell was talking about, akin to what they did in dallas with an advisory

[09:52:00]

commission, and that would be wh we could actually pass a resolution implementing the advisory commission to consider just 1 with all single-member districts and 1 with the hybrid system, charging them with those two alternatives to consider, in an advisory capacity and begin public hearings about those two things, with the understanding, like council member spelman said, that one of those are going to be put by council on the ballot.

And so it's not a situation where all their work may go in vain if something else passes because we have seen we're going to put one of these two options that came from the previous committee to the ballot, but we haven't taken an action on that yet, and then we can begin that process to help with the time period between november 2012 and may of 2013 of obtaining preclearance.

>> Well, I think the short answer is that -- I don't know of any state law or charter provision that would preclude you from creating an advisory committee.

I will have to think very hard about whether an advisory committee charged -- and I'm repeating myself -- charged with actually coming up with a plan that you might implement -- in an advisory capacity.

>> -- Would have to be clear.

I want to reserve that discussion for later.

I need to think about that.

But I don't see any state law or charter obstacle to

[09:54:01]

creating an advisory commission.

As far as I'm -- as far as i know, you are empowered under the charter to have advisory committees, and you can ask them to do, presumably, whatever you need for them to do.

So I think that's one element of flexibility you do have.

You said to get ready, possibly, for may of 2013, and I'm assuming that you meant to try to get preclearances all in place by the 180-day campaign finance date that would occur in may '13 as opposed looking to a may 2013 election.

I think you could not likely make an election because the election -- exactly, no, exactly.

Just under what -- trying to deal with voters -- the dilemma of voters voting in november 2012 and it taking two years to actually implement the system that they voted for.

So we realize that we have put that discussion out there, so we want to begin the process sooner rather than later so that we actually make those deadlines and are not, you know, in a catch 22 situation.

At least we plan for t i mean, it may not -- plan for it.

But if we wait until after the november 2012 election we really have cut the potential for us to make it, even though we might very well make it in time.

So to go ahead and take some preliminary actions right now to begin that process to try to honor their, you know, desires, assuming that does happen.

And on another similar note is we -- the next item we have to discuss that's moving the election from may to november, so I'd like you all to talk about what

[09:56:01]

transition issues would fall into place there, not that this commission would hear them, but I think there is some overlap that we could begin to get advice on in terms that the committee didn't address, like the staggered terms and term limits and that type of things, especially the time period.

before we change the subject -- oh, I'm sorry, go ahead.

yeah, I just want to ask one clarifying question, and that is, suppose we did everything by the book and we wait till after the election, appointed an advisory commission on a short timeline to advise the council and the first districts were drawn by the council with the provision, perhaps, if that's what the council decides, to transition to a citizen committee subsequent redistricting actions.

The point of that would be, and this is a question for you to probably study a little bit, is if we for the first election in november of 2013 -- if we used a council redistricting process based, perhaps, on citizen advice, would that be faster than going through establishing the citizen commission to actually draw the districts the first year?

And I realize that's not a black and white question, but I'd just like to -- and this may be legal advice that you don't want to discuss right now, but it's something that I am going we have to -- I think we have to consider is which one of these processes would work the quickest so that we could be prepared maybe for a november 2013 election.

>> I think the short version and immediate version of the answer is I'm guessing that a full-fledged charter --

[09:58:03]

sorry, full-fledged redistricting commission effort will probably, but not necessarily, take longer than something that is an advisory process with council acting alone to make the final decision.

Simply, based on the notion that the selection process is likely to go a little faster for an advisory committee than the kinds of selection processes that at least the charter revision committee recommended for putting together an independent redistricting commission, but it's not necessarily the case.

I think those are questions of structure and timing and flexibility that you can mandate, assuming that you are looking at the kind of council-driven first map with subsequent redistrictings by the independent redistricting commission.

well, I guess the real question is, if the decision is made to make the transition in november 2013, what's the fastest way to get there to ensure that we're ready?

Is it the council redistricting process based on advice or is it the full citizen redistricting commission?

And I think you said probably that the council process would be the quickest, and following up on that, if there's a desire to at some point in time have a citizen commission to do this, would we have to wait until the 2020 transition or could we do an interim, say, 2015 or something like that?

>> Again, assuming that a charter amendment that changes the council structure to single-member district approach, whatever that is, does not have conflicting provisions that also pass,

there is nothing to prevent you from having the first plan and first elections under a single-member district system be according to a plan that council puts together with citizen advice in whatever form and format you desire, followed within a specified time by a more formal replacement process.

You do not have to wait until 2020 census to redistrict.

It is relatively uncommon for a body to redistrict itself mid-decade, but it does happen.

yeah, the state of texas did --

>> the state has done it.

The city of houston often does it.

Their charter provision requires them by mid-decade to assess population growth, and of course annexation is often -- annexations often drive the need to redistrict as well.

So it's not uncommon and i think your suggestion is something that council could decide to do.

>> Mayor leffingwell: okay.

That's all I had.

You can go ahead with your question.

I wanted to follow up about what would be similar transition issues that would occur in a move from may to november by the voters that -- the same as in a single-member district system.

>> There are different transition issues raised by the resolutions that council passed as opposed to the recommendations the charter revision committee passed.

In november 2013 -- 2013 in general as you know none of you are on the ballot, and in the resolutions that this body passed last year, the suggestion was consideration of eliminating the stagger in your terms so that everyone elected together and that everyone's terms be lengthened from three years to four.

That was the suggestion in the resolution.

So the transition question for this body would be would everyone currently on the dais run for re-election in november 2013 or you phase in -- would you phase in the new seats, assuming there are new seats, so that everyone on the dais stays on the dais until their term is complete and then they are replaced?

So there are some transition issues there.

Now, the charter revision committee, on the other hand, only recommended that the voters decide whether the elections move from may to november.

They did not recommend any change in stagger, term length or term limits, so there, if you went with that scenario, the transition questions would be who would be on the ballot in november 2013, and how would that transition occur, whose terms would be cut short in that scenario?

So some of your questions about what will the transition to a november election look like, that transition will be affected by what passes on the ballot regarding whether or not we eliminate stagger, whether or not we change term limits -- term lengths, et cetera.

you would actually contemplate those items being on the ballot in 2012, the stagger and the term limits as opposed to -- well, we would have to make decisions about them on the way to frame them for the ballot.

>> Correct.

>> Cole: okay.

and no matter how it's done, I just don't see how you can do a holdover transition and have some districts in some -- i mean, how would you pick which districts get to have a district and how would you have, you know, some at large members still holding oaf with some -- over with some selected districts.

It seems to me that that would be unbelievably complicated and problematic.

let me ask -- I'm sorry, I wanted to ask you a question about that and follow up.

I guess you've got one scenario if single-member districts passes that would really make it complicated, like the mayor just suggested.

And then you've got another scenario if single-member districts doesn't pass.

Under either way you have major transition issues if single-member district doesn't pass but simply the may to november move passes.

You've got similar questions about transitions.

Is that correct?

>> That's correct, you could decide whether or not there there would be a 2013 election.

You could decide whether everyone simply holds over until the november of the year in which they would be up for re-election.

You could decide to cut people short so that they run in the november that would precede their may election date.

Those would be decisions about term length that council would make -- I guess what I'm trying to figure out is if we had this independent redistricting commission that's dealing with similar questions in the context of single-member districts passing but taking public testimony about that, we're also gathering information about if it doesn't pass, but the may to november does pass.

>> That's an option, you could make that part of their call if you went that route.

>> Cole: okay.

council member morrison?

>> Morrison: thank you.

I think that the transition issues obviously are complex, and I'm not sure that I have a sense of all of them -- of all of the transition issues.

I wonder if there might be a way to really delineate them, not off the top of your head, but, you know, in a -- in a memo that you all could provide for us so it's all written down all the things we need to make decisions on.

And I think that the complexity here is that we're juggling so many things that we need to have a plan for if districts pass and november -- or if we do districts and it's may or if it's -- so we have all these conditional and so we need to really understand how we're going to transition under all those cases.

So is that something we might be able to get some help with, just in terms of delineating the decisions we do need to make?

Because I feel like we're touching on a lot of them here but it's not clear that we have a complete set.

>> That's a pretty expansive set of possible combinations.

>> Morrison: it is.

[Laughter]

>> and it is certainly an easier response to give if some of the details are set either that you do or do not want to keep staggers or you do or do not want to change term lengths.

well, in fact, staggers and term length changes may be on the ballot also.

It's not clear, so that adds three other -- two other columns to make all the combinations of.

And I do -- but -- so we've got a large number of permutations here.

But I do want to step back to the issue of the resolutions that we passed.

It was very clearly stated when those resolutions passed that it by no means meant that voting for those -- voting for those resolutions by no means meant that an individual was supporting the elements, or even putting those elements on the ballot.

For instance, the issue of stagger.

We had some discussion, i don't know if you all recall when we passed that resolution, and there were some folks, myself included, that said, I really don't think I'm going to support getting rid of staggered terms.

I think that could be -- would be of concern to me.

I'd need to think about that.

So the fact that we put it in the resolution for me meant that I supported our committee looking at that issue and whether we should put it on the ballot, and i think that the point, from my perspective, it's not just that the committee didn't make a recommendation on that, I believe the committee -- correct me if I'm wrong, sabina -- i believe the committee explicitly decided they did not want that on the ballot.

>> They advocated no change.

they advocated no change, and, in fact, they advocated not putting it on the ballot, not even giving the voters a choice in that matter.

Is that fair to say?

>> They would not make -- they would not make it a ballot item.

they would not make it a ballot item.

And I believe it's the same with the number of years, three years versus changing from three years to four years.

They advocated not putting it on the ballot and leaving it at three years.

So I think that's important.

And then one other thing to go back to what the mayor was talking about, the complexity of moving from at-large to single-member districts without getting rid of the stagger.

Can you tell us, there -- what is your vision for what scenario would be?

I think you touched on how to make a transition from at large to single member i think you touched on it briefly earlier in terms of there would be some random assignment of the at large to the districts or something like that, to can you talk through that scenario to say -- because I believe we do have that option.

I just want to make it clear that we do have that option.

>> So just to restate the question, you're asking, what would it look like to go from an at large format to a numbered district format -- and maintaining our stagger, so not everybody -- not all the districts would be up for the first election cycle.

>> So assuming, for example, as sid described -- assuming that the number of seats increases.

>> Morrison: yeah.

>> And no one here is on the ballot in 2013 and you decide to keep your stagger.

One option would be to have the new seats on the ballot in 2013 and then have 2, 5 and 6 up again in '14 and mayor, 1, 3 and 4 -- am i getting the numbers right?

something like that.

>> -- Or what used to be the subsequent years so that everyone currently on the dais carries out the term that they were elected to, and when their seat is filled again it's filled in the new district number capacity as opposed to the old place capacity.

>> Morrison: okay.

and you can't have staggering and four-year terms both.

You can have four-year terms with a stagger, which to me seems to be a better option than maintaining the current three-year terms with a stagger, if for no other reason than it saves a little money on election.

You don't have as many elections as you do under a current system, two out of three years we have elections.

So obviously the four-year terms would be a significant reduction, unstaggered, but it would still be less with four-year terms staggered.

Council member martinez?

>> Martinez: thanks.

I want to go back and reemphasize the point council member morrison made.

While I realize that it's very, very difficult to delineate all the potential options, I think it's important that we try to do that in some way so that the citizens and the commission that's made these recommendations and/or not -- non-recommendations understand the complexity of every issue.

And so maybe there is some decision tree that leads knew a pathway to an end decision at some point, depending on, you know, how the votes line out, but i think -- my sense is that right now the -- the public sense is that we have a question before us, do we want to switch to single-member districts or not?

And I just -- I think that's a very oversimplification of what we're having to decide upon, and we really need to let the citizens know, one, that is part of the question, but here are the 18 other parts to that same exact question, that we as a body either have to answer via an ordinance or not, or choose not to put it on the ballot or, you know, choose to let it go before the voters and then once the voters decide, that decision tree starts to line itself out.

And I realize that's a huge task.

I can't even imagine how we would do that, but there's got to be some way that we try to express this so that the public understands the complexity of all these decisions that have to be made.

>> Well, one thing we can do as a starting point if the transition details are part of your initial decision-making we can at least take the two scenarios that have been proposed, what was in the resolution and what comes from the charter revision committee, and give you some examples of how that could transition to start the discussion, if that would be helpful, as opposed to considering all of the scenarios, start with the ones we have and -- what do you mean by that, starting with the ones we have?

>> Although to council member morrison's point, the resolutions are not council's position per se, but it at least turns some of the variables into certainties.

I think there are an infinite number of combinations of variables, and staff would like to help you all have a constructive conversation.

So I'm just making a suggestion, if that would be a place to begin the transition discussion, to look at how these two scenarios would play out.

It's a suggestion to try and make it workable considering that we only have a council meeting.

i think that's a good idea, and what is really before us so far is by resolution, a six district system, an eight district system by resolution and a ten-district system from the citizens task force.

Are we agreed on that, that those are the three possibilities or do we want to consider more?

>> Cole: mayor?

mayor pro tem.

I guess I was wanting to ask you and sabina, I feel like we're giving staff a task that is very difficult, and even when it comes back it's not going to help us anymore because it's so complex, and it's difficult because we haven't given any direction beyond those two resolutions and that's what this meeting is for, asking us to make some preliminary decisions.

And like the one that you just proposed, I would be in favor of only looking at a decision tree that contemplated, just as the initial step, the majority recommendation of the 1 -- the recommendations from the task force and the minority recommendation om and not any other scenario.

And if we could just make a decision like that I think it would help some.

Is that correct?

>> That would be more specific.

That would be helpful.

well, the resolution from council does specify considering a six-district system and an eight-district system, and a ten-district system.

So what you're proposing is that we only consider a ten-district system?

yeah, I think it's time for us to start making some decisions so that we narrow down the possibilities for the public and also narrow down the possibilities that we give staff, because we're just not going to get to a decision point if we don't.

>> Let me remark that although there are lots of different combinations of specific options at one level the questions about how you handle a transition are common to the various versions of single-member district plans that you may have.

If you are looking at a six-district plan, that may be the exception to what i just said because that's how many of you there are, and so the transition might be an easier discussion because you don't have necessarily a busmg of empty seat a bunch of empty seats in a six member district.

Under an 8 or 10, by the way whether it's 10-21 the districts are the problems in transition, not the two that are at large or not present.

Those are just at large positions in an election.

With a caveat, of course.

We can illustrate the kinds of transition issues you would have to deal with to go from six to somewhat more districts by taking as an example one of the ten district plans that the charter revision committee discussed.

And I think illustrate what happens if you've got four-year terms versus three-year terms, staggered versus unstaggered, in those couple of cases.

And I think that's a finite enough task that we can do that with fair clarity.

It will be a little confusing -- with some fair clarity to illustrate the kinds of questions that you're going to encounter regardless of what you finally end up with as the target change.

And I think that's doable.

The caveat to the difference between a so-called hybrid system, and I'm thinking now of the 10-2-1 versus a pure single-member district system like the 10-1, is that since some of you -- well, all of you are elected at large, it would be possible under a hybrid system to have an at-large member of the council with some existing term left at the point that the first election occurs to by lot drawn, for instance, be assigned to that -- to one of those at-large positions.

So that's a slight difference between the transition scenarios for pure single member versus some kind of a hybrid single-member system, and we'd have to work through all the variations of that.

But I think the illustration that we can produce or provide for the transition from six to some greater number, and considering term length change and staggered change or stagger elimination, stagger preservation, all of those options I think we can illustrate for you and maybe that will help you get your arms around the complexity.

i think one thing that might help with the complexity is if we can sort of reduce the size of this last.

>> Cole: yeah.

what we can deal with right away, and my suggestion would be that we could pretty soon make the decision to move to november permanently for elections, because that's something I believe you said has to be precleared before the november 2012 election?

>> I'm sorry, I'm not sure i understood the gist of the question.

well, I mean, one of the provisions is to move elections permanently from may to november.

>> Okay.

If you do that, as a charter amendment -- let me back up and tell you what -- that's what we're talking about, charter -- I know there's a provision that we could do it by resolution before december 31, but I don't think that's going to be the will of the council, as previously expressed.

>> Preclearance -- there are three pieces of preclearance.

One is the calling of your charter amendment election, because it's a special election.

That has to be precleared.

That is not to say that at the time we preclear that -- okay, I gotcha.

>> -- You have to preclear the substance.

So if a charter amendment -- if one of the charter amendments is single-member districts, if one of the charter amendments is may to november transition for elections, that is a substantive amendment, and if it passes the substance of that must be precleared.

after it passes.

>> After it passes.

but still it is one way to sort of reduce the size of this list?

I think that's a decision that could be made fairly quickly, and the other way to reduce it is to try to identify those items that we could, possibly, and want to be done by ordinance instead of charter, in other words, take them off the list, and then begin dealing with other items on the list after that.

That's just one approach to try to get it down to a manageable size to begin to take some bites out of it.

>> Morrison: mayor?

council member morrison.

before we leave this last conversation, you were mentioning that you could look at a couple of configurations of districts and sort of lay out decision points considering whether or not staggers are maintained and whether the terms go from three -- stay at three or go to four.

And I just wanted to make sure we add to that the -- whether or not the election is held in may versus november, and I wanted to support what mayor pro tem cole mentioned in terms of having an interest in looking at not only the majority recommendation, the 10-1 recommendation that came from the charter review provision, but also the minority, the 10-2-1, I'm very interested in both of those scenarios.

council member tovo.

to the idea of whether or not we need to consider all of these issues interlaced as they are, and I liked your comment, there faulk, about there being layers and layers of complications, and I

wonder if it wouldn't make better sense to deal with the district issue its own and then deal with the transition issue separately once we've made a decision about the district issue, because to some extent -- once the voters have made the decision about the -- but in terms of what we're recommending go forward, in terms of consideration of these issues on here, if we are going to consider both the minority and the majority recommendation, and perhaps others, then I think -- which I'm not in support of, I think we should begin with what the committee recommended, both the majority and the minority position, but maybe address that issue separately from the issues of transition and the issues of stagger because they each have their own set of complications.

And I thought what I heard being recommended -- if i could just finish -- i thought what I heard being recommended is that we look at a decision tree that would include the options for each of those with regard to stagger, with regard to transition, and I'm wondering if that's necessary to consider it that way.

i think that I would not support that because I think we've got a long process yet to go with more input to determine what the actual redistricting plan that's put on the ballot is going to look like.

I think that's the most complicated issue of all, and I think it's wise to go ahead and address some of these peripheral items, make decision on that before you actually look at -- I would envision perhaps a town hall meeting and a lot more public input before we make that decision.

I'm not sure i disagree with you.

I agree that it would be very helpful if we could address the issues on here that are going to be less time consuming.

I'm just suggesting that in terms of addressing the issue of district representation, that we consider separating it from issues of transition and stagger because they both -- or they create their own -- there's not a clear -- I just think we have to -- we have to know what the vote -- what system the voters approve, if they approve anything, before we address the staggering issues.

>> Tovo: I see.

So are you suggesting -- or address the transition issues, not the staggering.

We could decide on staggering for sure.

so the transition issues would be the second step after we hear from the voters.

I thought based on the discussion I heard that we were -- no, i agree with you on that.

that we were talking about having some suggestions about transition -- about how that would transition, so that that could also be presented to the voters for their consideration.

Am I -- was i misunderstanding that?

>> We would want to wrap those together, if there was a structure change, and there was going to be a change to term lengths, stagger, et cetera, we would mention those changes together, so that the transition -- and there would be transition language as well, regardless of how you change those variables of stagger, term length, we would draft actual transition language into the ordinance so that the first time the process would be clear.

>> Tovo: right.

And just to be very -- just to clarify my point, I was just suggesting in terms of our own discussions that we might consider separating those two pieces out, so that we're not trying to address transition -- transition issues, stagger issues, at the same time.

We're also trying to consider the two positions from the commission.

But I do agree, mayor, that we should try to separate these things out.

And I'd be very interested in talking at some point here this morning, if we've got an opportunity, about kind of what is our next step on this, what is our next discussion going to look like and what issues are we taking up.

yeah, and I think another step that we can address fairly quickly is what items could be bundled together in a proposition that makes sense.

For example, to talk about term lengths and term limits and staggering, perhaps could that be bundled into one proposition?

Because basic will you you don't want to do one without -- basically you don't want to do one without the other.

>> Yeah, you have had previous experience, maybe not personally, with having multiple ballot items only some of which passed.

>> Mayor leffingwell: yeah.

>> And you did not necessarily get delightful results from that.

yeah, so I think that's really important to make that determination, which are -- which items are dependent on another item, which wouldn't make sense if one passed and another one didn't.

>> And to address council member tovo's remark, i think, as you've been discussing it, I've been thinking about it.

I think it would be helpful to you in the context of trying to perhaps figure out the effects and parameters of a stagger change or a term change to understand how those kinds of considerations factor into a transition.

So I think the suggestion by council member morrison that we do some kind of at least example set of how that stuff all fits together will give you a little better sense of the consequences of deciding pro or con on a stagger change or pro or con on a term length change, just to see what the ripples are from that without, of course, putting anything in stone at this point.

And then I think it may make some sense to make those decisions, as you put it, and get them out of the way before the really difficult decision about the structure is taken up.

is it feasible to target that maybe for our next work session discussion?

>> As long as it's not tomorrow -- which items should and -- [laughter] which could and should be bundled together and which need to be considered together, not separately?

And also take out the items that could be done by ordinance as opposed to making a charter change?

[One moment, please, for ]

>> Mayor Leffingwell: I would also like to have legal recommendation on those items, too.

Council member martinez.

>> Martinez: I appreciate the conversation.

I think you're right, pro tem.

If we're going to move forward with the minority and majority recommendations, the only ask, i guess, aside from that.

If you go with 10-1 or 10-21 you're going to make assumptions along if way to show the pathway.

Where you make the assumptions, if we could put an asterisk and say this could change based on citizen's decision regarding staggered or length of terms.

I know it's difficult and we need to hone in and give them direction, but even with this direction, we have to be very clear there is a lot of built-in assumptions to whatever pathway you demonstrate as an example, because that may not be the outcome, depending on, one, how council put these items or not on the ballot and, two, the outcome of the items based upon citizens.

So it might be an example with a lot of asterisk on it, but at least it will try to create the information that's necessary for the citizens to consider whether or not that truly would be the outcome, based on those assumptions that you make when you build that picture for us.

Pro tem mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: We haven't talked about even versus outwith regard to the complexity of staggered versus all at once.

I'm concerned, since the committee didn't recommend it and we're loading down our charter election and coming up with different answers or conflicting answers, and, so, i guess I would like to see the memo contemplate that council makes a decision about staggered and length of terms and even or odd number years as opposed to sending those things to the voters.

Is there any reason that that has to actually be part of the charter election and when does that have to occur?

>> Those are details that are currently in the charter that you have a three-year term to stagger, et cetera.

>> Cole: So, for example, when we talk about moving from three years to four years, if we have an election in 2013, but we move to a four-year term, the next election would be in 2017, not 2016.

And, so, if we make a priority even number years for election, we would have to have the first election be a three-year election, and then we could go on a cycle of a four-year.

And, so, I guess I'm just saying, those kind of complex options would need to be laid out for all of us to see and evaluate because it's easy to say we want to say stagger terms and we want to go to even number years and then you start thinking ant, well, how would that work, and, so, that's the kind of analysis that we're asking that you provide for us.

>> Anything else that we can muddy the water about here this morning?

>> So, mayor --

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I guess I want to be clear about what we do next.

>> Mayor Leffingwell: I'm sure they understand exactly this --

>> we can certainly we restate.

But council member tovo, I think you wanted to have a slightly broader discussion about next steps.

>> Tovo: Yeah, I guess I want to know, especially since we have so many members of the public interested in this discussion, when we're taking it up again and what exactly will be the scope of

our discussion and are we contemplating actually taking action at our next work session and deciding how to deal with these.

Mayor, I think you had made this suggestion to talk about this next at our work session and see if we could make decisions about that.

Would that be something we would ratify on our council agenda thursday or actually taking action at our work session?

>> Mayor Leffingwell: I think it probably would be better to take action at a council meeting.

For one reason, because we could have citizen comment on that action as opposed to a work session.

>> So are we going to, then, have a work session providing some direction to staff to bring things back at a future council?

>> Mayor Leffingwell: Yeah.

>> Tovo: Or is this --

>> Mayor Leffingwell: I think we can come back, and my suggestions were to identify those items that could be done by ordinance and have a legal recommendation on that and also to talk about the items that are not contingent on other things.

For example, the permanent move to november elections and begin to lay out the scenarios that were asked for for transition under the four-year term, three-year term, staggered or not staggered, those kinds of things, begin to kind of lay that out.

That's what I understood from the discussion.

>> And, so, then, actually have these scheduled for a relatively soon council meeting so we can hear public testimony and make some decisions?

>> Mayor Leffingwell: Relatively soon.

You know, perhaps sometime in april or may and, you know, get a lot of this background work done and sorted out before we actually take official action on it.

>> So just to recap what you've asked us to do, the next council MEETING IS APRIL 12th, AND THE Body has asked for some transition examples that look at both the 10-1 and 10-2-1 scenario and show what the transition would look like in an april 5th work session as opposed to -- I'm sorry -- yes, I'm sorry.

I'm looking at the wrong schedule.

Thank you.

April 5th is our next council meeting.

At the april 5th council meeting, a presentation on transition that looks at the majority and minority report format, would you like it to look at 6-2-1 as well?

>> Mayor Leffingwell: I think I would like to get a sense from the council on that because i think the sense I've heard is that they want to hear a ten-district scenario.

But, you know, the council resolution also included consideration of six and eight districts, so whatever the council's pleasure is and direction is on that is what we'll do.

I think it's maybe a little bit -- or april 5th is probably a little bit too early to plan for that, frankly.

Council member martinez.

>> Martinez: I think the point I want to make is, while we may have explicitly stated a scenario in the resolution, we also gave broad latitude, so i believe 6-2 was considered and really didn't get that far.

I think they considered a host of other options and what ended up making the recommendation was 10-1.

So as a starting point, I think that's where we start with that recommendation.

>> Mayor Leffingwell: That would simplify the discussion of transition.

>> So our transition scenarios will look at those two formats, the 10-1 and the 10-2-1, and we can al mayor, what things can be done by ordinance and the legal guidelines that can be done by charter or ordinance, and then you'd like a suggestion on bundling.

>> Mayor Leffingwell: Right.

>> What items are bundled, the scenarios to make implementation smoother.

>> Mayor Leffingwell: Both items that need to be and items that could be bundled.

>> Need to be and could be.

Okay.

And then to your question, council member tovo, with that MEETING ON THE 5th, THE Council's direction can be turned into a format of work session presentations and subsequent

council meeting decisions, or, if you would like, we could do all of our discussion on council meeting days so you could get feedback.

That's a decision y'all can make at the council meeting as to how you would like us to roll out the discussion over the next few meetings in a manner that lets you have an opportunity to talk about it before you vote on it.

>> I th ought to flush this out more in work sessions before we schedule it for meetings and action to make sure we know what we're talking about before we do that.

>> So we'll alternate between a work session discussion and a council meeting decision.

>> Mayor Leffingwell: Yeah, but the council meeting decision wouldn't b april 5th meeting.

We're still waiting for a decision as to when that's going to be.

Do a little bit more work session work before we get to that point.

>> All right.

So would you like us to come back to yo april 3rd work session for discussion and preparation for an april 12th council --

>> Mayor Leffingwell: I think so.

>> Okay.

>> Mayor Leffingwell: A couple other extraneous things.

On a-1 -- and I think this needs clarification, prohibit switching.

Now, do we want to be a little more specific and say switching between places or do we want to exclude the mayor's position from that?

In other words, we wouldn't want to -- my feeling is that we wouldn't want to preclude someone currently sitting on the council to run for mayor at some point, in deference to my colleagues here.

[Laughter]

>> that was an item addressed in 2006.

Arguably, if we were to bring it back to the charter as is it would be for clarification.

>> Mayor Leffingwell: Yes, but was the mayor's position included in that clarification?

John.

>> John snider, law department.

The way we believe the charter leads now is not possible to avoid term limits in switching between place.

By the mayor's position is separate and would not count in that.

So, in other words, if you switched from the council seat to the mayoral seat, you would not be blocked from running for mayor by term limits.

>> Mayor Leffingwell: I think that's the result we want to see.

We just have to make sure the words say that because I think there was -- there is currently confusion, right, about that particular issue.

>> The purpose of the 2006 amendments was partly to clear that up, but, apparently --

>> Mayor Leffingwell: That's what I mean.

>> But the idea was you wouldn't be able to avoid term limits by switching seats.

But running for mayor, it was expected councilmembers would want to run for mayor.

So a council member who would have been term limited from winning for their own seat or another number seat would not be limited from running for mayor by term limits.

>> Mayor Leffingwell: Would we preclude someone who moved into another district from running for that seat?

>> Yes.

>> Mayor Leffingwell: Do we want to do that?

>> That would be a question for a person who moved from district to district.

As it's currently written, they would be term limited if they ran for any seat other than mayor --

>> Mayor Leffingwell: Okay.

>> If they served the prescribed number of terms, they would be terminated from running for any other seat except mayor, including district from district.

>> Mayor Leffingwell: So if you served all the terms you're allowed you cannot run if you move to another district.

You're still term limited.

Council member morrison?

>> Morrison: I wanted to note on page 1, where the resolution suggested considering term limits from three to two terms, that was somewhat tied to the other consideration which was thrown out there which was to increase the term from three years to four years so that the total number of years on council could be eight as opposed to nine.

And I just want to share this observation and that is that if we -- if we were to follow the recommendation of the charter committee on the issue of stagger, 3 versus 4, and also term limit, which was to leave it alone, because they weren't suggesting changing from 3 to 4, if we were to follow the recommendation, which is to leave those off the ballot, things get simplified significantly in terms of looking at scenarios -- potential scenarios and transition issues, and, so, it might make sense for us to think about sooner rather than later decisions about whether those things are going to go on the ballots or are they going to stay off the ballot as per the committee recommendations.

>> Mayor Leffingwell: I think that's right.

Mayor pro tem?

>> Cole: I'm wondering if council member morrison is suggesting that to make the job easier right now.

>> Morrison: I wasn't suggesting that.

I think certainly a consideration, and I'm -- i think it would make sense for us to have the discussion about how -- I mean, I'm inclined to just follow the recommendation of the committee on those items, in part, because having a zillion charter amendments on the ballot complicates things even further and rather than -- rather than report and talk to committee members on these items.

I'm sort of inclined to follow their lead.

That would be all right with me.

If it's really something one wants to explore --

>> I guess it doesn't change your work whether we're supposed to make a decision or sending it to the voters.

>> Mayor Leffingwell: Let me just say I'm interested in exploring that issue.

>> Okay.

>> Mayor Leffingwell: And on item b1, I just want clarification.

Currently, I believe the charter says you have council meetings every thursday, and our current practice is to then go through, some time at the end of the year, and cancel a bunch of meetings.

And adopt a schedule for the following year.

So it seems to me that we don't want to put in the charter or perhaps not even in the ordinance, definitely not in the charter, I don't want to say ordinance, which meetings we want to cancel for the following year because it depends on holidays and a number of other factors.

>> Correct.

Our charter has unusual language.

It says they occur on thursdays unless you spread upon the minutes the reasons why not.

And, so, that's currently why we adopt a schedule and "sped them upon the minutes" as to why you're not going to meet on particular thursdays.

So I think we could come back with something that's a little more clear than that.

>> Mayor Leffingwell: That might be easier.

>> Cole: That's why our practice is to try to comply with that language.

>> Mayor Leffingwell: So it could be something like council meetings will be on thursday except as provided by council resolution for the following year, or something like that.

>> It just says council should meet in regular session at city hall at least once a week except as such time as prescribed by ordinance and we have an ordinance to set regular council meetings, unless otherwise ordered for council meetings to be spread upon the minute.

So the practice is to be assume thursday meetings and then make out a list of meetings that wouldn't be held as opposed to meetings --

>> Mayor Leffingwell: Meetings that are canceled.

>> Right.

So that's the reason we do it by way of cancellation instead of setting these are the meetings we will have.

Of course, the result is the same.

>> Mayor Leffingwell: So maybe one option might be to eliminate that confusing part of the charter and just do it by ordinance.

>> The charter could easily say the council shall meet at such times as provided by ordinance.

>> Mayor Leffingwell: Yeah.

>> Riley: Mayor.

>> Mayor Leffingwell: Council member riley.

>> Riley: That wouldn't entail a change in practice.

>> Mayor Leffingwell: No, no change in practice.

>> Riley: Do we need to clutter the ballot with an amendment that wouldn't have any meaningful change in practice in my preference would be to leave that out of the discussion, just leave the charter alone as it is.

It's working fine.

We've got a lot of other stuff to focus on, so my preference would be --

>> Mayor Leffingwell: That's fine, too.

I just brought it up because it's on the list here.

Anything else before we move on to our regular agenda items?

Well, I hope we've made some progress today, but we'll look forward to another discussion on this at our next work session.

Thank you.

Okay.

So what I've got is number 12 will be -- there will be a presentation from staff on that on thursday.

And 26 and 27 will be discussion.

Council member tovo, I believe you brought these up.

Would you like intracouncil discussions?

>> Tovo: I believe we have other items on the work session.

>> Mayor Leffingwell: You are right.

>> Tovo: D2 and d3.

>> Mayor Leffingwell: I guess I should be looking at this.

So, now, item d2.

Council member riley wants to have a discussion of donald shoop's visit to austin.

>> Yeah, I just want to put on everyone's radar screen and engage the council's interest in hearing from this individual who will be visiting austin on april 2 through 4.

donald shoop who is widely regarded as the nation's leading expert on parking.

Parking, of course, continues to be a significant issue for the city as it has for many years, and we continue to deal with issues such as parking benefit districts and residential parking permits as well as extension for hours for meters downtown.

We're about to get the report on how that's been going.

There is also continuing interest in making parking more convenient through the eyes of technology such as apps.

We talked about that with code for america when they were just here, and the city of austin is doing very innovative things on that.

Some of the innovative things that we have been doing in austin were actually inspired directly by the work of dr. shoop.

He is widely credited with, for instance, coming up with the concept of parking benefit districts and doing much of the initial research that led to that.

He by, the way, is a professor at ucla and wrote a book in 2005 called "the high cost of free parking," which continues to get a lot of discussion nationwide.

Seems like every week, there is discussion in "the new york times" or some other authority about his work.

In any event, I want to raise the possibility that the council might benefit directly from hearing from dr. shoop.

He will be speaking on monday night, april 2, and then he would be available tuesday morning, when we will be having a work session.

If we wanted to have him come actually meet with us during the work session and do a presentation, my office and the transportation staff have been working with dr. shoop.

He is already fairly well versed in austin matters.

As a matter of fact, in the latest edition of his book he discusses practices in austin in his forward and, so, he would be in a position to offer some of his thoughts about austin's parking situation and seems like it could be a great opportunity for us to have a conversation about the warricking policy.

So I just wanted to raise that as a possibility, if the council would be interested in taking an hour or so of the work session on tuesday, april 2, to hear shoop and to visit with him about parking issues, that would be fine.

Otherwise, we could just make sure everybody knows about his public speaking engagements.

In addition to having a big presentation to the community monday night, we expect that he would be available to meet with interested groups on tuesday afternoon, and my hope is that he would -- if they're focused around south congress or in the west campus area, he would be interested in these issues that he would have an opportunity to visit with them.

In any event, just wanted to see if there would be interest in shoop at the work session.

>> Well do, we have some idea of what our briefing schedule is for the april meeting that you're talking about?

>> Riley: The work session april 2.

>> Mayor Leffingwell: The work session on april 2.

>> Riley: I'm sorry.

April 3.

That's right.

>> Mayor Leffingwell: Do we have some idea of what's already on there or what is planned besides -- obviously, we have a discussion planned on the charter.

>> Mayor, it was my understanding --

>> Mayor Leffingwell: Council member tovo.

>> Tovo: -- We weren't having briefings anymore on work session dates so I don't think we have one scheduled on that date.

>> Mayor Leffingwell: Well, we try to avoid them.

>> Tovo: That sounds like an interesting idea.

I would be up to hearing from him.

>> Mayor Leffingwell: What about the alternative.

He's not going to be here on the 5th for the council meeting.

>> Riley: He will be here the 2nd through the 4th.

>> Mayor Leffingwell: Okay.

What's the will of the council on this?

>> Cole: Mayor, I would like to say I would be interested in having an overview conversation and especially talking about all the things and how they're interlaced, but hopefully, you know, I have been working with some of the south congress folks, too, and that's a real challenge and with the staff.

I know we're trying to make roughing progress in sort of laying out options and I would be interested in a group conversation if that can be arranged, too, with those folks.

>> Riley: I would like to see that happen, too.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I'm looking at my calendar.

Am I right in thinking that, on APRIL 2nd, THE SUBCOMMITTEE, The land use and transportation subcommittee meets?

Or do I have the wrong date on my calendar?

That might be another good opportunity to have him, perhaps instead of the work session, since we have the charter review, and I know that is the date of the chamber's education luncheon which starts kind of early and some of us may be planning on attending that.

>> Mayor Leffingwell: Well, let's explore that option of having it at the comprehensive plan and transportation.

>> That is available.

That's the date.

>> Tovo: That is the date of it?

>> Mayor Leffingwell: We can check on that.

>> I would be interested in having the congress merchants and neighborhood people come to that meeting.

I think that's good.

>> Riley: Okay.

In lieu of having him come to the work session.

Okay.

>> Tovo: Do you think that would work as well?

>> Riley: I think so.

I don't know of a reason why that wouldn't work.

If for some reason the schedule does not allow him to be here for the committee meeting with, could the council -- would the council have any interest in hearing from him at the work session?

>> Tovo: Sure.

>> Mayor Leffingwell: I think the answer is yes.

>> Riley: First, we'll try to arrange it for the planning and transportation committee monday and if that doesn't work out, we'll do the work session tuesday.

>> I would only ask you pre-brief him to keep his comments relatively short so it doesn't consume all our meetings.

>> Riley: Got it.

>> Is it a public lecture he's giving monday night?

>> Riley: Yes.

>> Morrison: Where and when?

>> Riley: I don't think we have the details of that.

David's Monday evening and we'll make sure the word gets out.

I think there is already been about what but we'll get details to the whole council.

>> Morrison: Great.

>> Mayor, on that note with regard to the public meeting, i will be contacting the offices to find out which council offices might be attending that meeting so we can decide if we have to post it as a council meeting.

>> Mayor Leffingwell: Okay, good.

So we'll go on to I deem d3, discussion of hiring of hiring consumer advocate tore the council's rate process.

Council member to have o martin and martinez.

>> Tovo: The resolution we passed called on the city manager to hire a consumer advocate and I wanted to use this as an opportunity to get feedback from staff about where they are in that process and how quickly we might have a consumer advocate on board and we have limited time, but if we did have time and interest in having some dialogue as a council of what the sessions might be that are most critical to have someone in place for that, this might be a good time for us to have that discussion.

I assume we could also talk about that tomorrow at our work session.

>> For the process of identifying an advisor and now for consumers has been underway since council gave direction at efforts being headed by the liaison, assistant city manager robert goode, and there are other members he's working with including outside council.

On friday, they conducted a series of interviews with a number of candidates.

I am in the process of getting goode and reading the resumes and their other background material myself.

I anticipate making a decision before the week's out.

>> Tovo: And then how soon might that person be able to start?

I know that's been a topic of discussion.

>> I think he's had some conversation with them.

It just really depends on what their schedule is, but they're emphasizing that our need is really immediate.

We want someone as soon as possible, so the candidates are mindful of that and I think willing to cooperate with us on that.

>> Tovo: Great.

We have a work session tomorrow, but I think the critical ones where we would need a consumer advocate to serve as an independent advisor or counsel are coming up.

Mayor?

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: I appreciate this being a topic for discussion.

I wondered, you know, one of the challenges is, within our government structure, is independence, and I wonder if I don't know it would be you or Goode could speak a little bit to -- that, of course, is sort of preeminently important and how that will work as far as the process of how the consumer advocate will be working with the community, the Austin Energy and the council.

>> The advocate will be accountable to my office and not to Austin Energy.

And the plan of work will be worked out, points we select -- once we select the individual that will serve as the advocate.

We anticipate a fairly open process.

In other words, we want Austin Energy customers and others to have access to the advocate to express their point of views.

I certainly anticipate that the advocate is going to be assertive and take a lot of initiative in providing opportunities to solicit and gather input from the various stakeholders.

I have certainly surmised council members may want to engage the advocate -- engage the advocate and I want you to feel free to do that.

Howe I'll ask the liaison on my staff to participate so we have a clear understanding of council's interest and perspective as well.

So that's what our plan is.

We will refine it in more detail once we've made that decision and get that person on board as quickly as possible.

>> Morrison: I appreciate that because I think the effectiveness of this is going to depend quite a bit on access that the community might have, bringing various perspectives forward.

So I think that's very important.

I appreciate that.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Could you elaborate a bit on your last point about the city -- about your assistant city manager serving as liaison?

Does that mean that we will not -- that the community can have direct contact with the consumer advocate but you don't contemplate the council having direct contact with the consumer advocate or you want to set up a structure --

>> no, I think I said the opposite.

>> Tovo: That's why I asked you to clarify.

>> I think I was saying I want the advocate to have as much exposure to the community as possible and I anticipate that the advocate will assert themselves and take initiative and provide for structured opportunities, initiating an invitation for people to come and participate and probably some less formal opportunities.

I also mentioned I surmised councilmembers would want to have an opportunity to engage advocate and I think that's probation.

I think the confusion, as I said, in regard to the latter piece, is I would want the liaison assistant city manager Robert Goode to participate with the council and the advocate in those discussions to make sure I fully understand the range of council's questions and concerns.

>> Mayor Leffingwell: Anything further on this item?

Okay.

Now we'll go to our agenda.

And I believe we were discussing items 26 and 27, which will talk about at the meeting on Thursday, is there any comment on that today?

And item 55, who brought item 55 up?

>> Tovo: I did.

Council member tovo.

>> Tovo: I don't know if we have anybody from the park staff or purchasing.

>> Mayor Leffingwell: There's no one here from parks.

>> Tovo: Thanks.

I'll submit those then.

>> Mayor Leffingwell: Pardon?

>> Tovo: I will have to submit those, then, through our q&a process.

>> Mayor Leffingwell: Item 56, we do have someone from staff.

There's a question on 56.

Who brought that up?

>> Morrison: I did.

>> Mayor Leffingwell: Smb council member morrison.

>> Morrison: Thank you.

I appreciate your work on this.

This is an item for us to interest a contract for a depository services with chase bank was our current one with bank of america is expiring and we had a related resolution just about a month ago asking you all to do work and help us understand what options we might have in terms of doing our financial business with local or regional banks.

And I think this is something that sort of came from a few different council members actually over the past month, although your process started in the summertime before any of it came up.

And you did provide us a memo in response to the resolution just yesterday, and I wonder if you all could just give us a bit of an overview.

In the memo you talked about just briefly some of the constraints in terms of the capacity of local banks to do business with us, the fact that they didn't respond to the rfp.

But, on the other hand, there may be some opportunities for us to do business with local banks.

So could you just give us sort of a brief overview of that?

>> I'm elaine hart, interim cfo and I have greg canali here, the deputy cfo who can help with some of the presentation.

We did give you a lengthy memo yesterday describing our process for the rfp that we started last august.

As you know, we had some conversations in the fall with the council about alternative banking solutions and those kinds of things.

The city's banking services are quite complex and many of them are regulated by state law and, so, not only are they regulated on our side, what our commitments are, but they're also regulated on the banking side, both with the larger banks and with the smaller, local and regional banks, especially in terms of what kind of collateral they can provide us to secure our funding.

We have over 32 bank accounts and we have a very complex, large number of transactions every year, and I won't go through any of that, but there is \$5 billion of deposit transactions going back and forth between our accounts over a year's period, so we have to do most of our business with a bank that can provide that kind of collateral.

And one other special feature we have in our requirements for paying for debt service is we make the payments in the morning, and then the investments are liquidated that afternoon, so we have to have a bank large enough to collateralize or to be willing to make our payments in the morning, but not -- but allow us that time to dissolve our investments later in the day.

>> Morrison: So it's my understanding that those two things you just mentioned, the collateralization and the carryover for the debt service payments, those are two of the issues that some of the smaller banks are not be able to manage,.

Is that correct?

>> Those are two very key issues that they can't handle.

We have talked with a local credit union that does some other smaller programs with the city, and credit unions are not able to offer collateral over \$250,000, and we require overnight collateral or permanent depository collateral basically, the smaller credit unions are more geared towards consumer credit.

There are limits on how much of their banking assets that they can even loan to businesses, so they're not geared towards handling the kinds of banking services that we would typically need as a depository service.

But they can do other things for us.

As noted in the memo, velocity credit union locally provides a fixed-investment option for city's deferred compensation plan.

We have over 700 employees that participate in that.

And austin energy has an energy loan program that they have also participated in.

So when it comes to the kinds of programs that the council would be doing that are related to consumer credit and those kinds of things, certainly, these local and smaller regional banks can step up and certainly play a role.

And we have looked, when there are those kinds of opportunities, we have looked to that level rather than the larger banks.

>> Morrison: Is that a standard practice of staff that when we are looking at other financial capabilities that we always make sure that we look at local credit unions?

>> I don't know that I can say always, but it's zero for the customers to -- it's easier for the customers to deal with the local, smaller banks, so that makes sense from the city's standpoint from the benefit of our citizens and customers.

>> Morrison: I received a letter week before last from somebody who represents a group of community banks who said they were interested in talking with us.

So I'll certainly get back with you and let you know what that conversation is.

But I think, you know, we've adopted several resolutions and tried to move forward as much as possible as we can on investing in the community assets that we have.

So I hope that we can keep our eyes to be for any others.

>> Mayor Leffingwell: Okay.

Items 58 and 59, I believe we can do together.

We do have staff available for that discussion.

Council member Riley.

>> Riley: Actually, on this one.

>> It was me.

>> Riley: Several of us had questions about additional language on this.

The posting language calls for discussion about the calculation of annual franchise permits also known as the formula.

I wanted to see what prompted that posting and what is contemplated for the discussion about the formula.

>> Vobt spiller, director of transportation.

It's my understanding mayor pro tem asked for that.

>> Cole: I asked for that because we are on third reading and the process we have been voting on at this point has deviated from the formula and i wanted all of us to be clear about the rationale behind the formula and what the number of permits that that formula has generated, I believe it's 38.

>> In fy-12, if we use the formula, the actual number, typically, allocation -- let me back up here a second.

Formula would have resulted in an 8% increase in the number of taxing permits which would have been 51 additional permits for 2012.

Typically, the allocation of those would require 25% set aside or 13%, which could have been for future franchise opportunity.

And in distributing the remaining 38 permits equally to the eligible franchises, and, so, in that case, it would be allocating an additional 19 permits to each of lone star and austin.

We are currently in a growth period, I believe, based on the economy as well as departures at abia, and, so, we would expect continued growth in the next several years under the permits that would be available under the formula, mayor pro tem.

And we'll be sending a memo with this information this afternoon.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: spiller, can you just remind us in addition to the permit application for 2012, there were also set aside permits from fiscal year '11 set aside for a potential fourth franchise and we're, in effect, allocating some of those in -- or we would be in the contemplated distribution that we're considering thursday.

>> Right, let me defer to my staff on that.

>> Last year, there were two permits existing in the reserve system, and with the 13 additional from this year, there would have been 15 total set aside for future franchise.

>> Tovo: And I don't have all of the numbers, clearly, in front of me, but what we're considering on thursday is in the same range if not right about the same number as the total.

Once you consider last year's set asides, this year's set asides and what the formula would have allocated, we're not really far in excess.

In fact, I think we're -- can you help me out with the numbers?

>> What's been passed on two readings is 30 permit to lone star and 15 permits to austin cab.

That allocation would put us slightly above the curb predict bid the formula.

As I said, I believe we are in a growth period, especially with the major new events coming to the austin area over the next couple of years, formula 1 being specific, will increase the departures out of abia.

So in the next year, I believe the growth will easily recover back to where we're in line with the formula.

>> Tovo: Did you say 30 and 15.

>> 30 Permits to lone star cab and 15 to austin cab.

>> Tovo: So this brings us to 45, in year's permit allocation would have resulted in 51, so we're a little behind what the formula would have general rated, the allocation is different.

>> Yes, because some would have been reserve, so we would only be distributing 38.

>> Tovo: So we're allocating some that would otherwise with reserved for franchise but our cumulative total is not in excess of what the formula held.

>> Cole: I want to understand, the allocation to austin cab is, I guess, 50% less to lone star, even though it was contemplated under the formula that they would both receive the same increase.

Is that correct?

>> All I can tell you is that on first and second readings, 38 were going to lone star, 15 permits to austin cab.

Under the formula, there would have been 19 each to lone star and to austin cab.

It would have been a 50/50 split.

>> Cole: And, so, we did that on first and second reading, and I'm wondering, I guess either from -- and I voted for that change, understandably -- but what led to that difference?

>> I will point out one thing, mayor pro tem, and I don't know if this factored into your calculation, but lone star cab is the smaller of the two eligible franchises.

>> Cole: And, so, what does, on a percentage basis, this bring the total -- this still leaves lone star as the smallest cab.

Is that correct?

>> Yes.

>> Cole: And on a percentage basis this is what increase for lone star?

Do we know?

>> I don't know if I could give you that number off the top of my head.

>> Cole: I would be interested in seeing, in the memo, since it has not come out, what an equal percentage-base increase would look like.

Assuming that lone star remained at 30, since we're a little behind in the number of permits.

I'll respond to that, yes.

>> Martinez: Mayor, I think i can we spond to some of the questions.

It was clearly contemplated my intention to for bringing this item forward as a sponsor was specifically that lone star was the smallest company by a large number of permits.

In fact, they only have 50 comparatively to 150-plus for austin and some -- is it 430 for yellow?

460?

>> 455.

>> Martinez: And in yellow's franchise agreement, it specifically states they shall not obtain more than -- is it 63?

>> 60%.

>> 60% Of all allotted permits citywide and they are currently above that.

With these numbers that we're allocating, in the manner we're allocating, it would bring them more in line but they would still be, I believe, above 60%, even after we issue these.

So, again, we're hitting it close but not staying right on target and I think all of those were taken into consideration.

In addition to the request made about the percentage of increase from 50 to 38, I think that's going to be substantial.

Obviously, it's going to be a 60-plus percent increase in allocation of permits but you have to take into account the percentage they have compared to all of the permits in austin which is extremely low.

50 Permits compared to 500 permits, that's a company that's operating with a very maul allocation of permits.

So the whole reason is to try to level the playing field, try to be fair and not penalize austin cab, but, at the same time, to try to create parity between lone star and the two remaining cab companies which we are still very far from parity and probably won't ever achieve it, but that doesn't mean we shouldn't try.

That was my contemplation mind behind what we did in these two items.

>> Mayor Leffingwell: Mayor pro tem, I'm not sure what you understood about percentages.

Did you mean each company should have the same percentage increase or the total allocation percentage-wise should remain the same?

>> Cole: Well, I don't know the numbers or the market, and I think the formula was trying to be based on the market and not flooding the market for any of the three companies, to start with.

And, so, I was trying to look at a reasonable basis for the numbers that we chose in correlating those.

So it makes sense that austin cab, just like yellow cab is not getting any, would receive less than lone star.

But is that number comparable to what we're giving lone star on any basis?

That's what I was trying to get at.

So if we gave -- council member spelman just gave me the numbers, and I can't read his writing.

[Laughter] but I'll work with staff to see what these percentages are and then bring those up.

I don't know what makes sense to suggest for additional permits for austin cab or based on what we've already done for lone star in light of how many yellow has and if that floods the market.

I'll just work with staff and bring that up because I don't have that information in front of me to adequately discuss it with council member tovo and council member martinez.

>> Okay.

Thank you.

>> Mayor Leffingwell: spiller, I think there is one more that may involve you and that's 66, while you're up there.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: So this is the street patio resolution, and I wanted to ask you a little bit about -- I saw in the backup there are other cities that have done this and I wanted to talk about the value and how the value of that is assessed and the backup material talked about a waiver of \$8,800.

Is that what the license agreement would normally --

>> if we went through the process, that would be the license agreement with the spaces.

Remember, with parking spaces, because those are revenue spaces, there has to be a recoup of those.

We look at parking spaces more critically than renting out sidewalk space because the city makes revenue off the parking spaces, so, yes.

>> Tovo: \$8,800 Derived by the value of the parking spaces and what would they bring in over the years or was that a more traditional license agreement fee?

>> I believe our current licensing fee, when it affects a parking space, incorporates a formula measurement of the value that was lost there, yes.

>> Tovo: So that would be 44 hundred-dollar of space?

>> No, I don't think that the formula exactly goes dollar for dollar, but hiring value for those parking spaces.

And that's true anytime we reserve a parking space for use by -- whether it be construction or business, it's not completely a dollar-for-dollar value, I believe, but there is a formula that that into account but I can provide that information.

>> Tovo: That would be helpful.

So when you say there's not a dollar-for-dollar value, you're saying ordinarily that spot would bring in, say, \$5,000, but for the license agreement, it's not -- there is a formula rather than an exact --

>> right, because each of our spaces, we have to have a single formula for our spaces regardless of where they are within the downtown.

So we know each parking space gets loaded differently.

So I can't say that this -- I don't have the data to be able to say this is valued at x and another spot is valued at y, so we have to come up with some averaging formula that says what the value of a space is, given the average usage in downtown.

>> Tovo: And are there meters on these two spots?

>> Yes, I believe they're metered with pay stations so there is no moving of devices or anything.

And again, pay stations, remember, meter an entire block, so there is no way to say specific, what value it is.

>> Yes, I've used them.

We did get accordance from some neighboring businesses and they suggested that -- I must need to read them again, I thought they were suggesting some of the spaces in that area were free, which was a little bit of a surprise to me.

>> That would surprise me if that's true.

>> Tovo: Given that the license fee would ordinarily be \$8,800 and, you know, that there is a value of those spots in terms of their ability to generate parking meter money, how did you come up with fees or how did staff come up with the fees of I think it was \$300 and another very small application fee?

>> Those would be our standard fees for this type of license agreement, so that's just, again, a standard formula we use for any license agreement.

I think one of the real questions is why would we wave those fees?

>> Tovo: That was really my question.

>> In this case, there is a value to the city, we understand.

We've never done this before so that's why we're suggesting it was a pilot moving forward.

I think there's value in terms of we start to think of how we start to make our city right of way to respond to the adjacent lane use needs and the needs of the users of the right of way.

There's a value in understanding is this a toll or option of temporarily fill in parking spaces and make them useful for other means.

There are other locations within the city I think would be of interest, but my staff looked and said we've never done that before and not sure how we would do it, so we're proposing the pilot to get started.

There is a value to the city to understand how we would implement a program.

There is another item before council asking us, based on our understanding of this, to develop a proposed program that would allow us to be more flexible with our street space, being able to use it this way, so I think there is a direct value in pay lotting this and partnering with this private entity, they're still going to pay all the construction costs and so forth to show us how this would work.

We need to understand how this works with drainage and so forth and regulations and so forth so we can decide if this is a technique we would like to use places in the city.

>> Tovo: It looks like a benefit to the city to test it as a pilot, but there is clearly a benefit to the business and I'm trying to get a sense of how we went from \$8,800 to less than \$1,000.

And part of the answer is in what you said about construction costs that the owner will have to put a fair amount of money into construction for something that is temporary.

>> I think the real issue we have to decide is is this something we want to do on a more permanent basis.

So the risk to the private owner is we say, in a year, this is interesting but a really bad idea.

So there is significant risk we're asking the private owner to make an investment, try something along with this that we don't know, as a city, if it will be a permanent thing in a year.

So there is some risk.

So in taking that into notion and we thought about the construction costs that they might have to go into, we thought that was a reasonable partnering level.

>> Tovo: What is the estimated construction costs?

>> I don't know off the top of my head.

I know the business owner was -- and he was in negotiated discussion, he says we'll pay for the construction if you can make the fees and I think it will be comparable with the fees waved, something in that range.

I think it's break even.

>> Tovo: What kind of construction are you talking about?

>> My understanding is the parking spaces are at street level and the sidewalks at curb level and because of tripping hazards and safety hazards, we're thinking we would like some kind of deck that would level that out.

We've seen them in Portland and Seattle where you basically have a deck at curb level.

So that to the pedestrian, it feels like an extended sidewalk, albeit, it's deck instead of concrete.

>> Tovo: And a barrier between the deck and the street so that --

>> right so the sidewalk might be designated with flower pots or barriers or low fencing, whatever.

Yes.

>> Tovo: Okay.

And then with regard to the other cities that have tried this, how do -- did they get started in a similar way which by waving a lot of fees and trying it on a pilot basis?

>> I can't really answer that because I don't know how they did this.

This was truly sort of a home-grown idea in terms of how to get it piloted.

I know that new york transportation department has been very successful in piloting a number of programs.

A pilot program, if it doesn't work out as planned, can be gracefully withdrawn from the network, you know, without too having to be made.

>> Tovo: If you could, talk about how the business was selected.

Did they approach the city?

Did the city approach them?

In particular, the reason I'm asking is because there is concern from their neighbors.

Doesn't sound like it's got universal support.

>> Yes, they approached us.

These spaces are directly in front of them.

One of the convincing ideas is most of their clientele is walkup clientele, and, so, they felt they really don't use the parking spaces in front of the store as might be assumed by most businesses, so they made a convincing argument most of their customers are pedestrian and bicycle, so that seemed a reasonable concept to take into account as they considered converting a few of those parking spaces.

I will say that we have a number of parking spaces in the vicinity along congress as well as on the adjacent streets that are all metered and have pretty good turnover throughout the day.

So, again, a minor reduction in the number of parking spaces -- I think it's two here -- should not cause an overall reduction in the number -- or in the capacity.

>> Tovo: As you mentioned earlier, you know, that parking serves the whole block and the kiosks are along there.

So was royal blue able to produce any kind of data that suggests or that really proves that most of their clientele is lockup or bike?

>> No, but observation of that business, you know, anecdotally, it would seem to be consistent with what people are observing in that area of people walking up and using it.

>> Tovo: Thanks very much for that information.

>> Absolutely.

>> Tovo: Given me a lot to think about and I would say if this is successful and a longer term --

>> we'll do that, yes.

>> If I can chime in on a phi of the points.

First, the owner of royal blue indicated that he expects to invest about \$20,000 in improving space between landscaping and the platform and planning those things in terms of waving the fees.

Many other cities that have done similar things refer to them as parklets and treated these as public park spaces.

You can find a number of examples around the country of that being done.

It's a different situation than creating a park space.

It doesn't necessarily directly serve the adjoining business so there is an issue of waiver of fees.

In terms of traffic, the owner of royal blue estimated his customer base is about 90% -- at least 90% walkup, and then lastly, in terms of the spaces that are available nearby, in addition to the many -- the garages that are in the area that are well below capacity at all times during the week that there are also -- and the other on-street spaces -- there are also several new spaces that we expect to get.

My understanding is they're on 7th street where there was a stop for the airport flyer.

There are three or four spaces that have just become available and are currently in the process of being metered, turned into regular on-street parking spaces, because now that the airport flyer is no longer stopping on 7th street, metro only needs those about three 00 and 3:00 for the night owl service.

So of the day, those three spaces -- there will be three new spaces just now becoming available, so even with this program, the area will actually see a net increase in parking.

>> Yes, and council member, i can confirm if there is space opening up we'll absolutely convert them into parking spaces.

>> Mayor Leffingwell: That's the question I was going to ask.

We're not losing any parking spaces?

>> Well, when you take into account that the spaces that are becoming available are just around the corner 7th street, that's correct.

>> Mayor Leffingwell: So item 67 is similar.

This is directing a long-term program for the street patio.

>> It's actually to make recommendations on if the pilot is successful, how would we create a program to do this in other places in the city, which, I believe, gets to council member tovo's question, you know, what would be the process to do this in the future.

>> Mayor Leffingwell: Okay.

So you're going to wait till the pilot is finished before you make your recommendations?

I seem that's what that means.

>> Well, I think there is things we need to learn from the pilot before we --

>> Mayor Leffingwell: And how long is the pilot?

>> At least a year.

>> Mayor Leffingwell: One year?

>> Yes, but we would come forward with recommendations, i would think, before that.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: How do we know the pilot is successful?

>> I don't know the answer to that.

>> Spelman: You knew I was going to ask it.

>> I knew that was coming.

When I say we have to learn things from the pilot, in terms we construct this, we'll learn things about how hard it is to get level with the concrete, you know, adjacent sidewalk, what we have to

do to work through the drainage issues, all of those are what i mean about things we need to learn before we set up a formal .

>> Spelman: Right.

>> Our street has a grade to it and that goes into the drainage.

One of the concerns is how do we not change the drainage characteristic and we need to learn that through implementation of a first effort.

>> If each of the parking spaces is getting us, what do you say, \$6,600 revenue in a year?

>> That's what council member tovo estimated, yeah.

I can give that to you, but --

>> well, there is a number.

>> Yes.

>> Spelman: And a lot of caveats we can throw upon it, but round it to six and say each space is worth \$6,000 to the public per year, are we going to get \$6,000 of public value if we more or less privatize the space.

>> We'll look at that.

>> Spelman: Do you have a sense for how you will look at that?

>> Council member, that's exactly what our license agreement formula does is calculates what's the value of the loss of the space.

>> Spelman: Right.

>> In the past for construction purposes we've gone to an escalating fee to encowrnlg people to get out of the spaces realizing they have a great value.

Used to, when a business was constructed, using a similar process, a contractor would rent the space for the life of the construction.

Now, you know, the first six months is one charge and after six months it starts to get more expensive to keep that space closed.

The reason is we want the contractor to make good decisions about moving dumpsters under the structure or whatever.

>> Spelman: Sure.

>> So I think we would look to that concept and then value what the value to the community is in terms of the overall economic benefit that's driven by modifying that.

So we'll evaluate that as we go forward.

I don't know have the answer for you right now.

>> Spelman: I would like to hear more about how we'll make that evaluation.

>> Okay.

>> Mayor Leffingwell: And I'm trying to envision what the long-term goal is here.

As part of the recommendations for a long-term program, is it going to be no net losses in the public parking spaces?

Is that going to be part of it?

>> I can't make that recommendation right now, but we'll certainly take it into consideration.

>> Mayor Leffingwell: Take it under consideration?

>> Absolutely.

>> Mayor Leffingwell: Council member morris.

>> Morrison: Thanks.

Just to go back to a couple of items, council member riley, you mentioned there are garages that are not full during the day, but I did want to point out that the comments that we got from some of the adjacent businesses said that, you know, age dry-cleaner and a jeweler and something like that, so those are folks that are driving up and stopping in briefly and leaving and, so, there may be bigger charges for -- rather than just a 15-minute stop at our meter.

So I think that's something to take into account.

And in terms of looking at the bigger picture or a larger program, I think it would make sense to take into account adjacent businesses and their reliance on pedestrian and bicycle traffic versus vehicular.

Because if you have some next door that are more reliant on cars, customers coming in cars, then, obviously, it's going to be a larger challenge to them.

So I think that's a good thing to take into account.

In terms of overall cost, we should remember that a business is going to be able to increase the square footage of doing business, so that's a huge benefit to them.

So if we're trying to -- I think it makes sense to wave the cost now, as we're doing, because it's just a pilot program, but as we think about it more broadly, we need to take into account that -- for instance, this business will be more than doubling -- or perhaps doubling, I'm not sure -- the amount of table space they have, which is great for vibrancy on congress but it's also a benefit to them.

Then one last question that I'm sort of thinking about, it wasn't long ago that we redid congress, right, and built the nice, beautiful sidewalks and included some head-in parking as part of that.

I was thinking we could have, at that point, made it all super wide sidewalks like in paris, but we didn't.

And I think it would be interesting to go back and revisit the thought process that we had there and why we explicitly decided to include some head-in parking.

And I know that things are changing and people have new ideas and we're moving more toward a downtown that sort of is people walking.

But to make sure that we don't lose all the thinking that went into those parking spaces in the first place would be helpful.

>> On that last note, I'm not sure exactly when the current configuration took shape.

My understanding is sometime in THE '80s OR '90s.

I know the downtown community has been working on all sorts of efforts to reinvigorate congress avenue and, in the course of that work, there is been a significant amount of criticism of the current configuration.

So I don't think that the downtown community, at present, would look at what's there today and say that necessarily represents the state of the art.

>> Morrison: Was it really in THE '80s?

>> Maybe council member spelman remembers.

>> Spelman: This came in the PROCESS IN THE LATE '80s AND The improvements in the early 90s.

>> Morrison: My, how time flies.

I thought it was only yesterday.

That's a little embarrassing.

They're doing nice work with frost bank plaza and trying to turn it into a gathering spot, so this could go along with that.

>> Yes, and I believe they're very interested in this project as well.

>> Cole: Council member tovo.

>> Tovo: Just a couple of last questions or comments.

The first is, if there are spots that are going to become available, I would ask we quantify that those are and be able to communicate those back to the businesses that are concerned about the loss of parking, and I agree that the parking garage is probably not going to be seen as a really viable option for a lot of the customers of the small businesses because of the additional expense.

And, you know, again, I think it's a creative -- I think it's a very creative idea and I'm supportive of trying it.

I would say there is a difference, though, from taking, as council member morrison said, there is a financial value to the business and I calculated based on the average dimensions of the parking lot space, it's about 324 additional square feet total.

So you lose some of that with barriers and other things, but that's a hefty -- a significant, I would say, increase of square footage for a private business and there is a different of this kind of program between converting a parking space into a parklet.

I think those programs are fabulous and would love to see us investigate that as well, actually.

>> Cole: We have two more items in 10 minutes.

>> Tovo: In that case, you're taking a parking space out of the service of the public and putting it into the service in a different bay and this is putting it in the hands of a private business to use it for economic benefit, so it is a little different and I want us to keep it in mind as a longer pilot study goes in place.

>> Cole: And I sure council member tovo and morrison's concern and I'm glad to see you writing those down and I think we can do all those.

It's just a pilot program, so you can report back to us how that's actually working for all our goals.

>> Absolutely.

>> Cole: Council member riley.

>> Riley: One last thing, in considering the fees, I think it's also useful to consider the CURRENT FEES FOR SIDEWALK FAAs Because the rationale about the benefit to the business also applies to the use of sidewalk cafes.

My understanding was the license fee for a sidewalk cafe are actually much lower and the problem is we currently don't have anything that's in the middle between charging the fees for the sidewalk space and charging the fees for the parking spaces, and that's the challenge before us.

Us.

>> Cole: I had questions about the budget stabilization reserve fund.

Is bert still here?

I just wanted to ask you to remind me about the changes we made in our social service contracts and the rationale behind that.

>> The assistant manager for community services.

Could you be more specific in terms of the changes?

You mean in terms of the dollars we spent for social service contracts?

>> Cole: Let me back up a bit.

I know that we had a policy concern about kind of targeting our money so that we made a real difference in the community, and that led to what type of changes?

>> Well, in general, with the rfp, the whole intent was, obviously, to take the allocation of dollars that we've had set aside for social services and just to remind the council as to what that amount was was a little under \$14 million that we put out in rfp, and the whole idea was to put it out for request for proposals and have it more specifically targeted to priority ar that the council would determine would have a greater impact in terms of the afterall investment.

And those contracts will be effective april 1 for a three-year period and, instead of having it to be a perpetual type of funding allocation for these service providers, every three years we would come back and revisit that issue.

And no decisions have been made anything beyond the initial three years, but the effective date of the contracts will be april 1.

>> Okay.

>> Hope that answers your question.

>> That's getting at it.

Tell a little bit -- because I'm watching the time -- tell me a little bit about the evaluation process.

And I'm asking this because I'm trying to figure out -- I want to make sure that we are considering that when we consider this agenda item, the process that we use for other social service contracts.

>> Could I jump in?

I want to add one thing I think is really critical here and this is not an ongoing contract by any means, as capital investment that they are making to -- that they are looking for to complete their social enterprise complex, so it's a one-time thing.

It's an investment in workforce development and all of that and, so -- and, in fact, we did this with another -- we did this with another organization that actually was looking for some additional one-time capitol stuff to really help to leverage their abilities coal comb let me just ask you quickly --

>> Morrison: Michael austin and there was one other.

So it's outside of that.

>> Cole: Okay.

Because I saw the description of the kind of workforce development issues and that's what made me think about social service contracts.

But did this come to the health and human service committee?

>> Morrison: Yes, I believe it did.

Did we speak about it?

>> There was a resolution council approved the november -- asking the city manager to look into -- the city manager was directed to question begin negotiations with southwest keys to contract principles and identify measurers for funds to be allocated as quickly as possible.

Council member morrison is right, this is not ongoing maintenance on staffing, this is one-time capital and what was proposed was 250,000 over two years.

>> And just to add to it, one of the things we have need to here in the resolution, I think it's important to see that they have reached out and iefferred several partners in the community to work with them on this including workforce solutions, acc, amd, capital 1 and the urban league.

So I think to parts at a time as a community member, to be supportive of their goals is entirely purpose.

Especially considering the budget stabilization fund is for capital and one-time expenditures.

>> Cole: Council member Morrison, you and I actually sponsored an item or formed the budget stabilization fund also.

I always want to make sure we're going through the process when we hit the reserves and I was wanting us to make sure that we look at that very, very carefully.

So you answered my initial questions.

Thank you, Bert.

I also have here item number 89, no staff requested.

>> Morrison: I wanted to see if my colleagues on the council were interested in sharing thoughts on the matter.

I have been hearing from a lot of people on the issue and perhaps you have, too, which points to we have a process in place that allows for public input which is important, I think, to consider before we make a final decision.

I want to let you all know that I have some questions in on some of the issues that have been raised and I thought I would throw those questions out for you.

The main one really is a carryover from my questions from last Thursday, and that is that there were, of the 3,600 jobs we're talking about, 1,090 of them, I think, are actually vendor or contractor jobs.

So the question was, are their wages calculated in the numbers that we're looking at from average wages and lowest wages and also what their benefits might be?

Because if 1,000 out of 3,600 of the jobs are contractor, I think it's important for me to know what kind of jobs those are, too.

Let's see.

One of my questions is to follow Porter said to help us understand is this a competitive situation for Apple or not because there are some reports out of Phoenix and the question is there were other situations being considered.

>> Cole: What are your thoughts on that?

What are you getting at?

I understand the reports that there were -- I mean, what is your concern?

>> Morrison: Well, the question is, is this a done deal or not?

We need to be able to answer that.

Is apple considering other cities?

>> Cole: If we make an offer, are they going to accept it?

>> Morrison: No, are there other cities that they're looking at so that this is a competitive situation, because there is a thought that, hey, if they're going come anyways, why do you need to give them incentives to come.

So for myself, I need to have that question answered.

Another issue that has been raised on some of the public input, especially internationally speaking for apple, and I already got some information from the chamber on standards and processes that apple has put in place and i know they will share them with everybody, just to look into that a little bit more and then, of course, the issue of construction companies they use and pay issues for their construction companies.

So I just wanted to throw that out that those are questions i have, things that I know I'm hearing about and things that i think need to be covered considered carefully and I would like to hear anybody else's thoughts.

>> Cole: Council member riley?

>> Riley: That's a great summation to have the concerns we have been hearing.

That will be helpful to have a good discussion about that thursday.

>> Cole: I agree.

I think that is a great summary and we will have that discussion and I will be looking forward to the answers to those.

As I brought up, I'm also very interested in their charitable giving program.

City manager?

>> Morrison: I think I have had a chance to talk with some of the chamber liaisons on these issues and I know they will be working with staff.

And the apple representatives.

Thank you.

>> Cole: Council member tovo.

>> Tovo: Just to additions.

I agree those are the right lines of inquiry.

One of the issues that I had -- one of the questions I had asked at last week's session also dealt with contract employees.

I'm trying to get a handle.

I know there are limits set in the agreement on the maximum number of contract employees and I think it's 25%, but without knowing what the existing percentage of contract -- or existing number of contract employees, we can't really accurately assess how many of the new jobs will be contract and still fall within that maximum.

In other words, if there are very few contract employees at of the new jobs could be contract employees and still, as I understand it, fall within the maximum of 25%.

So we just need to know what those existing numbers are and i ask the apple representatives on getting that information to us.

With regard to the questions council member morrison asked about worker safety are critical here and elsewhere.

I would like to know, too, what the status of the discussions with the workers defense league are, just to be specific about that.

We did have a representative last week.

>> Cole: To follow up, council member tvo, we talked about over, I believe, 90% of the jobs that they were going to provide of the 3,600 actually being local, so I am assuming that, even though we are talking about approximately 1,000 temporary workers, that those are temporary workers that are also local and making that clear distinction that the temporary workers are not coming from some other place than austin.

So that we are seeing a true increase in jobs for our local citizens.

>> Morrison: Calculator on those issues would be great especially as they affect salary ranges and benefits.

>> Cole: Any other comments?

If not, we are adjourned.

